

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

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FILE: B-214173**DATE:** February 10, 1984**MATTER OF:** Jack Goncalves & Sons, Inc.**DIGEST:**

Grant complaint challenging the capability of the awardee to provide certain materials and services at a particular price relates to a matter of responsibility which will not be reviewed absent a showing that the contracting agency acted fraudulently or in bad faith.

Jack Goncalves & Sons, Inc. (Goncalves), complains against award of a contract to C & G Contractors, Inc. (C&G), under a solicitation issued by the City of Springfield, Massachusetts, Department of Public Works, pursuant to a block grant from the Department of Housing and Urban Development, for construction of a sanitary sewer system.

We dismiss the complaint.

Goncalves contends that C&G offered calcium chloride at a price of \$0.01 per pound and trench excavation and sheeting at a price of \$0.01 per cubic yard, and that C&G cannot in fact provide these materials and services at the above prices. Goncalves alleges that calcium chloride costs approximately \$0.08 per pound and that the costs for providing trench excavation and sheeting include provision of a backhoe or excavator by the hour plus union scale pay for the operator at \$16.94 per hour which would make the cost of trench excavation and sheeting more than \$0.01 per cubic yard. Goncalves further argues that the project manager was or should have been aware that C&G could not perform at the above prices and that the project manager's affirmative determination of C&G's responsibility was thus tantamount to fraud.

Goncalves' allegations relate to C&G's responsibility. This Office will not review an affirmative determination of

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responsibility absent a showing that the contracting officer acted fraudulently or in bad faith. Crown Point Coachworks and R&D Composite Structures; North American Racing Company, B-208694; B-208694.2, September 29, 1983, 83-2 CPD 386. Goncalves' allegation that the project manager's determination of C&G's responsibility was tantamount to fraud considering C&G's allegedly unrealistically low prices is not sufficient to constitute a showing of fraud or bad faith. We therefore have no basis for reviewing this matter.

We dismiss the complaint.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel